UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,257	10/19/2001	Franc J. Camara	MS1-262USC1	5410

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EXAMINER
BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
2173	7

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- Th MAILING DATE of this communication app ars on the cover she t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _31 December 2003_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _25-33,45-48 and 50-64_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _25-33,45-48 and 50-64_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _3&5_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 12/31/03 have been fully considered but they are not persuasive.

A.   Applicant argues (claim 25) that "...a user interface comprising a graphical window having a preview scan space, the preview scan space being initially empty prior to a time when the scanner scans an image, the user interface progressively displaying the image within the preview scan space to visually convey that the scanner is scanning the image...which is not taught, disclosed, suggested or motivated by Santos or IBM, alone or in any proper combination." (page 18, lines 4-10).

In response, Santos discloses a user interface having a graphical window having a preview scan space, which is empty prior to a time when the scanner scans an image (figs. 1-7). IBM teaches that data from a scanner could be displayed so the user can view the scanned image as the compressed data is passed to the workstation controller (progressively displaying the image within the preview scan space to visually convey that the scanner is scanning the image), (page 478, lines 22-25).

B.   Applicant argues (claim 25) that "[t]here is simply nothing in [IBM]...that teaches, discloses, suggests or motivates 'the user interface progressively

displaying the image within the preview scan space to visually convey that the

scanner is scanning the image', as recited..." (page 19, lines 11-13).

In response, IBM discloses an image scanning application programming

interface (API) that can be added on a host system; the host application enabled to

have a menu where the user initiates image scanning. IBM teaches a Preview

Mode, wherein data from the scanner could be displayed in an Online Setup Mode

Screen so that the user can view the scanned image as the compressed data is

passed to the work station controllers (WSC), (pages 475 and 478).

C.   Applicant argues (claim 25) that "neither reference provides any teaching,

disclosure, suggestion or motivation for 'the preview scan space being initially

empty prior to a time when the scanner scans an image..." (page 19, lines 14-16).

In response, the preview scan space displays a preview image after the user

selects preview scan in menu 42 of window 44, which is empty prior the user's

selection (figs. 4-6).

D.   Applicant argues that "Claim 45 recites 'An application program interface for

an image acquisition system, the application program interface being embodied on

a computer-readable medium and having methods for performing the following

functions: opening and closing a camera for communication; controlling the

camera; reading properties associated with the camera; reading properties

associated with pictures taken by the camera; and manipulating pictures stored in a

memory of the camera', which is not taught, disclosed, suggested or motivated by

Santos or IBM in any proper combination." (page 19, lines 17-24).

In response, Claim 45 recites "For a computer-implemented scanning system

having a scanner coupled to a computer, a computer-implemented method for

executing a scanning software application in a graphical user interface windowing

environment, comprising the following steps: presenting a preview scan space

within a graphical window, the preview scan space being initially empty; and

progressively displaying an image within the preview scan space to visually convey

that the scanner is scanning the image." Claim 45 does not mention a camera but

a scanner. In addition, Santos discloses a preview scan space within a graphical

window that is initially empty (figs. 4-6), and IBM teaches that the image is

progressively displayed when being scanned (page 478).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3.   **Claims 25-32 and 45-48 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over _Santos_ (US 4,837,635) and _IBM Technical Disclosure Bulletin_

entitled "Host System and Attached Non-Programmable Terminal with Open Parallel

Port" (hereinafter IBM).

<u>Claims 25-27 and 45-47</u>:

Santos discloses a computer-implemented scanning system having a scanner

coupled to a computer (fig. 1), a user interface having a graphical window having a

preview scan space (figs. 1-7) being initially empty prior to a time when the

scanner scans an image. Santos does not teach that the interface progressively

displays the image within the preview scan space to visually convey that the

scanner is scanning the image. However, IBM discloses a method for providing a

host system with an application programming interface (API). IBM teaches that

data from the scanner could be displayed so the user can view the scanned image

as the compressed data is passed to the workstation controller (page 475, 1st &

last paragraph; page 476, lines 2-3, 18-19; page 477, lines 16-17; page 478, lines

22-25). Therefore, it would have been obvious to one having ordinary skill in the

art at the time the invention was made to include a scan area that progressively

displays the image as the scanner scans the image because it enables the user to

see in real-time what the imaging device is capturing and cancel the scan

processing if desired.

Claims 28 and 48:

Santos teaches a persistently-visible menu positioned adjacent the preview

scan space within the graphical window, the menu contains options particular to

the operation of the scanner (figs. 4-12).

Claim 29:

Santos teaches presenting the user with options on what to do with the

scanned image (figs. 5, 8, 9).

Claim 30:

Santos teaches a user interface having a control to enable a user to select a

portion of the image for scanning (figs. 7, 10, 11; col. 2, lines 62-64).

Claim 31:

See claim 25. Santos teaches a file system (col. 2, lines 41-64).

Claim 32:

Santos teaches a software (operating system) that controls the allocation

and usage of hardware resources such as memory, CPU time, disk space, and

peripheral devices (col. 2, lines 6-44).

4.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over

***Santos/IBM* and *Tarabella* (US 5,796,945).**

Claim 33:

See claim 25. Santos/IBM does not teach that a browser is embodied on the

computer system incorporating the user interface. However, Tarabella discloses a

system including a user interface for collecting a series of image collections for

display, the system having an on-line browsing software and a browser button 152

that launches the on-line software directly from the connection window (abstract;

col. 2, lines 21-44; col. 7, lines 45-54). Therefore, it would have been obvious to

one ordinarily skilled in the art at the time the invention was made to modify

Santos/IBM's image acquisition system to include Tarabellas's user interface having

a browser because as Tarabella says, the browser enables the user to access

commercial information networks.

5.   **Claims 50-57 and 59-64 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over *Lavendel et al* (US 6,587,129 B1) and *IBM*.

Claims 50-52, 59-61, 63 and 64:

See claim 25. Lavendel discloses an interface having a graphics window

including a context space, a menu, and toolbar area, the context space being

separate from the menu and tool bar area; a preview scan space within the context

space, the preview scan space being initially empty prior to a time when the

scanner scans an image. Lavendel teaches a persistently-visible, context-specific

menu positioned adjacent the preview scan space within the context space (figs. 7-
11e; col. 2, lines 63-67; col. 3, lines 1-24, 33-46; abstract). Lavendel does not

teach that the user interface progressively displays the image within the preview

scan space to visually convey that the scanner is scanning the image. However,

IBM teaches that data from the scanner could be displayed so the user can view

the scanned image as the compressed data is passed to the workstation controller

(pages 475 and 478). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify Lavendel's

user interface to include IBM's teaching of a scan area that progressively displays

the image as the scanner scans the image because it enables the user to see in

real-time what the imaging device is capturing and cancel the scan processing if

desired.

Claims 53 and 62:

See claim 50. Lavendel teaches menu options for operating the scanner, and

contains a plurality of pull-down lists (figs. 7, 8, 10a, 10b, 11b-11e).

Claim 54:

Lavendel teaches presenting the user with options on what to do with the

scanned image (figs. 7-11e).

Claim 55:

Lavendel teaches a user interface having a control to enable a user to select

a portion of the image to scan in a final output (fig. 7; col. 9, lines 23-28).

Claim 56:

Lavendel teaches a file system (col. 9, lines 23-28; col. 10, lines 33-38).

Claim 57:

Lavendel teaches a computer-readable medium incorporating the computer-

executable process steps provided by user interface module 46 (col. 9, lines 1-6;

col. 20, lines 33-48; col. 21, lines 9-24).

6.   **Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

***Lavendel/IBM* and *Tarabella*.**

Claim 58:

See claim 50. Lavendel/IBM does not teach that a browser is embodied on

the computer system incorporating the user interface. However, Tarabella

discloses a system including a user interface for collecting a series of image

collections for display, the system having an on-line browsing software and a

browser button 152 that launches the on-line software directly from the connection

window (abstract; col. 2, lines 21-44; col. 7, lines 45-54). Therefore, it would

have been obvious to one ordinarily skilled in the art at the time the invention was

made to modify Lavendel/IBM's image acquisition system to include Tarabellas's

user interface having a browser because as Tarabella says, the browser enables the

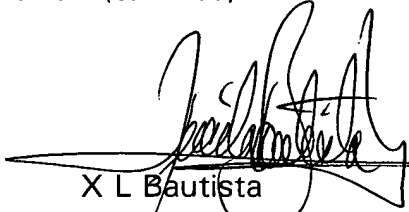user to access commercial information networks.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See

MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set
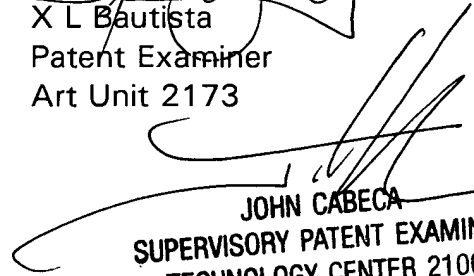
forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

8.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to X L Bautista whose telephone number is (703)

305-3921. The examiner can normally be reached on Monday-Thursday (8:00-

18:00), Fridays Off.

9.   If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The

fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

10.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X L Bautista
Patent Examiner
Art Unit 2173

JOHN CABECA
SUPERVISORY PATENT EXAMINER
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xlb
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